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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/727,254

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Mohamed Abdelrahman

3041-101

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09/26/2006

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/727,254	Applicant(s) ABDELRAHMAN, MOHAMED	
	Examiner Cassandra Davis	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 5-7, 10-12 and 14-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 9, 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 5-7, 10-12, and 14-19 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 31, 2005 and December 28, 2005.

### ***Drawings***

1. The applicant amendment to the specification (page 10) overcomes the objection to the Drawings.

### ***Claim Rejections - 35 USC § 112***

2. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line8, it is unclear if the phrase "a first subset of said plurality of surface" is the same as a first subset of said plurality of surface recited on line 3.

Similarly, on line 10, it is unclear if the phrase “a second subset of said plurality of surface” is the same as the second subset of said plurality of surface recited on line 5.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 4, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Fulgora, U. S. Patent 1,492,026.

5. With respect to claim 1, Fulgora teaches a calculating device comprising a plurality of surfaces (1, 2, 5, 6) comprising a first subset of surfaces (1, 6, 2) rotatably connected around a first axis (7) and a second subset of surfaces (1, 5, 2) rotatably connected around a second axis 8. The first surface or member 1 has indicia “GALLONS”, “TOTAL AMOUNT”, and “PRICE” printed thereon. The second surface or member 6 has indicia indicating the total coast and the quantities (9 and 10) printed thereon. See lines 60-69. The third surface of member 5 has indicia indicating the prices

of units of weight or measure of material. See lines 75-80. Fulgora also teaches windows 13, 11, and 14 formed in the first surface or member 1 and windows 11 formed in the third surface or member 5. The windows selectively reveal at the indicia on the first, second and third surfaces. The indicia can be selective viewed by rotating the second or third surface or members.

6. With respect to claim 3-4, Fulgora teaches surface or member 1 having indicia on the external surface thereof. The indicia are visible at all time while the members 5 and 6 are rotating.

7. With respect to claim 13, the examiner considers the method limitation to be inherent from the structure of the device taught by Fulgora. Fulgora teaches a plurality of surfaces or members (1, 2, 5 and 6). Fulgora teaches printing a first message or indicia 9 and 10 on a first surface (subset) 6 and printing a second message or indicia 12 on a second surface (subset) 5. Fulgora also teaches forming a window 11 in the second surface (subset) 5 for revealing one of the messages 9 on the first disc (subset) 6. Finally, Fulgora teaches rotatably attaching the first disc 6 to a plurality of surfaces (1 and 2) and rotatably attaching the second disc 5 to a plurality of surfaces (1 and 2).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulgora, U. S. Patent 1,492,026 in view of Stutzman, U. S. Patent 4,886,010.

10. Stutzman teaches clothing wear and monitoring device comprising a plurality of rotating discs 12, 26, 28, 42, and 50. The disc or baseplate 12 has an extension 18 with an aperture 20 for attaching the device to a location on a hanger for display. See column 2, lines 59-63.

11. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the device taught by Fulgora with an extension tab and aperture as taught by Stutzman to selectively mount the device upon any desire surface or location.

12. Claims 2, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulgora, U. S. Patent 1,492,026 in view of Williamson, U. S. Patent 1,076,929.

13. Williamson teaches computing device comprising a plurality of discs 8-11 rotatably mounted to a support 5. The support 5 has a pair of apertures securing a string or cord there through. The string or cord provides a hanger for attaching the device to support location such as a wall. See figures 1 and 2.

14. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the device taught by Fulgora with an aperture and string hanger as taught by Williamson to selectively mount the device upon any desire surface or location.

### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1 and 13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a


first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
August 20, 2006